

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ADAM HACKETT,	:
	:
Plaintiff,	:
	:
v.	: C.A. No. 06-426 ***
	:
CORRECTIONAL MEDICAL SERVICES,	:
WARDEN THOMAS CARROLL and	:
COMMISSIONER STANLEY TAYLOR,	:
	:
Defendants.	:

DEFENDANT CORRECTIONAL MEDICAL SERVICES
ANSWER TO AMENDED COMPLAINT

Defendant, Correctional Medical Services, Inc. ("CMS"), by and through its attorneys, Morris James LLP, submit its answer to the amended complaint in the above-referenced action.

1. To the extent the allegations in this paragraph recite the contents of the medical records, the Defendant admits that such documents speak for themselves, and denies all allegations of paragraph 1 that are inconsistent therewith. The remainder of the paragraph is denied.

2. To the extent the allegations in this paragraph recite the contents of the medical records, the Defendant admits that such documents speak for themselves, and denies all allegations of paragraph 1 that are inconsistent therewith. Defendants are without sufficient knowledge or information to admit or deny the allegations contained in the remainder of this paragraph and they are therefore deemed to be denied.

3. To the extent the allegations in this paragraph recite the contents of the medical records, the Defendant admits that such documents speak for themselves, and denies all allegations of paragraph 1 that are inconsistent therewith. Defendants are without sufficient knowledge or information to admit or deny the allegations contained in the remainder of this paragraph and they are therefore deemed to be denied.

4. To the extent the allegations in this paragraph recite the contents of the medical records, the Defendant admits that such documents speak for themselves, and denies all allegations of paragraph 1 that are inconsistent therewith. Defendants are without sufficient knowledge or information to admit or deny the allegations contained in the remainder of this paragraph and they are therefore deemed to be denied.

Count I. Denial of Reasonably Adequate Medical Care

5. Denied that defendant has failed to provide plaintiff with reasonable adequate medical care.

Count I. Deliberately Indifferent to a Serious Medical Need.

6. Denied that defendant was deliberately indifferent to a serious medical need.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state a claim upon which relief may be granted.
2. Plaintiff fails to state a claim as to which plaintiff may recover with respect to all civil rights claims as defendant was not deliberately indifferent to a serious medical need.

3. Plaintiff failed to properly plead a medical malpractice action against defendant.

4. Plaintiff failed to file an affidavit of merit pursuant to 18 Del.C. § 6853.

5. Plaintiff's claims are barred by the applicable statute of limitations.

6. Plaintiff fails to state a claim against defendant upon which plaintiff may recover with respect to all claims for civil rights violations, as there is no vicarious liability for civil rights claims.

7. Defendant provided plaintiff with medical care that was appropriate for his conditions and which met the applicable standard of care.

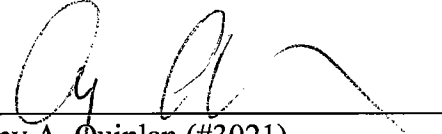
8. Plaintiff has failed to exhaust his administrative remedies.

9. The plaintiff's injuries, if any, resulted from a superseding intervening cause.

10. The plaintiff's injuries, losses, or damages, if any, were the direct, sole, and proximate result of activities or conduct of persons or entities for whom defendant is not responsible and over whom the defendant had no right of authority or control.

WHEREFORE, the defendant asks that the complaints against it be dismissed with prejudice and all costs be assessed against the plaintiff.

MORRIS JAMES LLP



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Attorneys for Defendant CMS

Dated: May 17, 2007

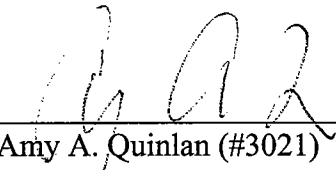
CERTIFICATE OF SERVICE

I, Amy A. Quinlan, hereby certify that on this 17th day of May, 2007, I have caused two
(2) copies the following documents to be served on the parties listed below:

**DEFENDANT CORRECTIONAL MEDICAL SERVICES ANSWER TO AMENDED
COMPLAINT**

By First Class U.S. Mail to:

Adam Hackett, *Pro Se*
SBI #00329697
DCC
1181 Paddock Road
Smyrna, DE 19977



Amy A. Quinlan (#3021)